

## **TENNESSEE BOARD OF OPTOMETRY MINUTES**

**Date:** November 18, 2004

**Time:** 9:00 A.M., CST

**Location:** Tennessee Room  
Ground Floor, Cordell Hull Building  
Nashville, TN 37247

**Members Present:** Scott Spivey, O.D. Vice Chair  
Eddie Abernathy, O.D.  
Jerry Richt, O.D., Secretary  
Jeff Foster, O.D.

**Staff Present:** Robbie Bell, Director  
Barbara Maxwell, Administrative Director  
Nicole Armstrong, Advisory Attorney  
Rick Agee, Unit Director  
Sherry Owens, Board Administrator

Dr. Spivey, vice chair, called the meeting to order at 9:10 a.m. A sufficient number of board members were present to constitute a quorum.

### **Conflict of Interest**

Ms. Armstrong reviewed the conflict of interest policy with the board asking the board members to disclose any conflict of interest they may have prior to contested cases or any other legal proceedings or matters to determine if there is a conflict of interest.

### **Review Board Meeting Minutes**

Upon review of the August 20, 2004 minutes, Dr. Abernathy made a motion, seconded by Dr. Richt, to approve the minutes as written. The motion carried.

### **Office of General Counsel Report**

Ms. Armstrong stated Rules 1045-2-.01, .05, .13 regarding inactive licensees performing volunteer work and PC's/PLLC/ became effective August 24, 2004; Rule 1045-2-.10 regarding Orders of Modification and Compliance and personal appearances by disciplined licensees became effective October 27, 2004; Rule 1045-2-.02 regarding the application review process and the process for closing applications becomes effective November 21, 2004; and Rule 1045-2-.01, .09, .11, and .14 regarding a fee increase, the release of contact lens, and patient records retention becomes effective January 1, 2005. Ms. Armstrong stated there are three open cases pertaining to the Board of Optometry none of which are scheduled for today's meeting.

### **Investigative Report**

Ms. Phelps stated of the eight complaints received year to date, three were closed with no action. Four closed with a letter of warning, and one referred to the OGC.

### **Disciplinary Report**

Ms. Phelps said one practitioner is currently being monitored and must appear before the board to reinstate his license.

### **Fiscal Report**

Ms. Owens reviewed the fiscal report stating the board has a \$6,649 deficit. Ms. Owens said the fee increase is going into effect January 1, 2005 which should put the board in the black next year.

### **Discuss and consider a change in the continuing education policy**

Ms. Armstrong discussed amending the policy statement on continuing education to impose a stiffer penalty and hours.

Dr. Foster made a motion, seconded by Dr. Abernathy to amend the continuing education policy to raise the penalty from \$100 to \$300 and increase the hours to five penalty DPM hours. The motion carried.

### **Dr. Richt to discuss ARBO**

Dr. Richt said ARBO founded the National Board of Optometry, brought standardization to the testing process, and brought standardization to continuing education by COPE. Dr. Richt said there is a program called CELMO which elevates the requirements of continuing education to 50 hours over a two year program in addition to a credentialing process.

Dr. Richt made a motion, seconded by Dr. Foster to authorize Ms. Armstrong to contact ARBO regarding CELMO and report to the board at the January meeting. The motion carried.

The board request that Ms. Owens to conduct a 100% audit in February.

### **Correspondence**

Te board reviewed the correspondence from the FDA regarding the use of decorative contact lenses without proper professional involvement.

### **Discuss and consider board presenting continuing education courses**

Ms. Armstrong said the board could offer the course which would be a cost for the board members time, motel, travel etc.

Ms. Armstrong said a task force meeting to determine the scope of services, qualifications, etc. would need to be scheduled if the board conducts the course.

Dr. Foster said it would be easier for TOA or Southern College of Optometry to do the course.

Mr. Kosten said he's an advocate of the board offering a no charge continuing education. Mr. Kosten said the board could do it right after the board meeting which would eliminate the room charge, extra charge for travel, motel etc.

Upon discussion Dr. Foster made a motion, seconded by Dr. Richt, to ask the TOA to offer the course. The motion carried.

### **Election of Officers**

Dr. Spivey said he would like to acknowledge Dr. Hendrickson's tenure on the board and recommended that Dr. Hendrickson be appointed as a board consultant.

Dr. Foster made a motion, seconded by Dr. Richt, to appoint Dr. Hendrickson as board consultant. The motion carried.

Dr. Spivey said he would like to recognize Mr. Browder as he is gone as well.

Dr. Richt moved to thank Dr. Hendrickson and Mr. Browder for their service and ask them to attend the next meeting to present them a plaque.

Dr. Abernathy made a motion, seconded by Dr. Foster, to nominate Dr. Spivey as vice chair. The motion carried.

Dr. Foster requested to be relieved as his duties as consultant as he has to 230 miles. The board concurred.

### **Tennessee Optometry Association (TOA)**

Mr. John Williams, lobbyist for TOA, said the attorney generals opinion invited the state legislation to amend the statute regarding Plano contact lenses. Mr. Williams said the TOA welcomes any input the board has on the legislation.

Ms. Armstrong stated that the board acknowledges the legislation after it's been introduced.

### **Review/Approve New Licensees**

Eight licenses who have been licensed, two reinstatements.

Dr. Foster made a motion, seconded by Dr. Richt, to ratify the licensure of the following optometrists:

Jason Bright  
Monie Clifton  
David Coward  
Maria Cranford  
Craig Goldman  
Nicole Gurbal  
Emily Sprague  
Elizabeth Zingula

### **File Review**

Dr. Richt made a motion, seconded by Dr. Spivey, to approve the application of David Hogge for licensure as an optometrist. The motion carried.

Dr. Foster made a motion, seconded by Dr. Richt, to waive part 3 of the national boards, 20 hour glaucoma and 6 hour therapeutic for Robert Dumfey and approve his application for licensure as an optometrist. The motion carried.

Dr. Abernathy made a motion, seconded by Dr. Foster, to approve the application of Peter Mueller for licensure as an optometrist. The motion carried.

With no other business to conduct, Dr. Spivey made a motion, seconded by Dr. Richt, to adjourn at 11:05 a.m. The motion carried.

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